

BEFORE
THE PUBLIC SERVICE COMMISSION OF
SOUTH CAROLINA
DOCKET NO. 96-137-W/S - ORDER NO. 96-701
OCTOBER 14, 1996

IN RE: Application of Tega Cay Water Service,) ORDER GRANTING
Inc. for Approval of an Increase in) IN PART AND
Rates and Charges for Water and Sewer) DENYING IN PART
Service.) MOTION TO COMPEL

This matter comes before the Public Service Commission of South Carolina ("the Commission") by way of a Motion to Compel filed by the Consumer Advocate for the State of South Carolina ("the Consumer Advocate").

Previously in the instant Docket, the Consumer Advocate served its First Set of Interrogatories on Tega Cay Water Service, Inc. ("TCWS"), the Applicant herein. In response to three (3) of the Interrogatories, TCWS replied that it was not proposing to change the fees previously approved by the Commission and did not provide the requested information. The Consumer Advocate filed his Motion to Compel regarding the failure of TCWS to furnish the requested information. TCWS filed a Return to the Consumer Advocate's Motion to Compel.

First, the Consumer Advocate requests that the Commission compel TCWS to respond to Interrogatory 1-48 which requested TCWS to provide a cost of service study or other support for its Tap Fee. The Consumer Advocate states that the approved Tap Fee

includes a Capacity Fee, and given that TCWS has changed over to bulk water service from York County, the Consumer Advocate asserts that the capacity portion of the Tap Fee may no longer be appropriate. In response, TCWS states that it is entitled to rely upon the Commission's prior determinations that the charges are just and reasonable.

Upon consideration of this point, the Commission is of the opinion, and so finds, that the Motion to Compel a response to Interrogatory 1-48 should be granted. The Commission believes that the change in circumstances in TCWS converting to receiving bulk water from York County could have an impact on the Tap Fee as asserted by the Consumer Advocate.

Second, the Consumer Advocate requests that the Commission compel TCWS to respond to Interrogatory 1-49 which requested TCWS to provide a cost of service study or other support for the Water Reconnection Fee and Customer Account Charge. The Consumer Advocate states that the fact that Company (TCWS) is not proposing to change these fees does not mean that there have not been changes to the circumstances and costs which were the basis of the previous approval of the fees. TCWS responded that it is entitled to rely upon the Commission's prior determinations that the charges are just and reasonable and that it has not prepared any cost of service studies or other support regarding the Water Reconnection Fee and Customer Account Charge.

The Commission denies the Consumer Advocates Motion to Compel as to Interrogatory 1-49. Unlike the Motion to Compel regarding

Interrogatory 1-48 where the Consumer Advocate noted an actual change in circumstances (i.e. the fact that TCWS has converted to a bulk water supply), the Consumer Advocate only makes a blanket allegation that some change in circumstances might have occurred. Such speculation is not sufficient for this Commission to grant the Consumer Advocate's Motion to Compel on Interrogatory 1-49. Also, without further facts or a further showing, this Commission cannot conclude that TCWS's change to a bulk water supply would create a change in circumstances which would lead to a change in either the Reconnection Fee or the Customer Account Charge. Therefore, the Consumer Advocate's Motion to Compel regarding Interrogatory 1-49 is denied.

Finally, the Consumer Advocate requests that the Commission compel TCWS to respond to Interrogatory 1-50 which requested TCWS to provide a cost of service study or other support for the Fire Hydrant Charge. The Consumer Advocate states that the fact that Company (TCWS) is not proposing to change the Fire Hydrant Charge does not mean that there have not been changes to the circumstances and costs which were the basis of the previous approval of the fees. TCWS responded that it is entitled to rely upon the Commission's prior determinations that the charges are just and reasonable and that it has not prepared any cost of service studies or other support regarding the Fire Hydrant Charge.

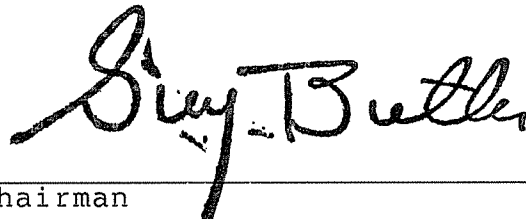
The Commission denies the Consumer Advocates Motion to Compel as to Interrogatory 1-50. Unlike the Motion to Compel regarding

Interrogatory 1-48 where the Consumer Advocate noted an actual change in circumstances (i.e. the fact that TCWS has converted to a bulk water supply), the Consumer Advocate only makes a blanket allegation that some change in circumstances might have occurred. Such speculation is not sufficient for this Commission to grant the Consumer Advocate's Motion to Compel on Interrogatory 1-50. Also, without further facts or a further showing, this Commission cannot conclude that TCWS's change to a bulk water supply would create a change in circumstances which would lead to a change in the Fire Hydrant Charge. Therefore, the Consumer Advocate's Motion to Compel regarding Interrogatory 1-50 is denied.

IT IS THEREFORE ORDERED THAT:

1. The Consumer Advocate's Motion to Compel is granted as to Interrogatory 1-48.
2. The Consumer Advocate's Motion to Compel regarding Interrogatories 1-49 and 1-50 is denied.
3. This Order shall remain in full force and effect until further Order of the Commission.

BY ORDER OF THE COMMISSION:


Chairman

ATTEST:


Deputy Executive Director

(SEAL)